

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT D. SUTTON,

Defendant.  
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ORDER

01-CR-0032-C-03

In an order dated December 15, 2005, after finding that I lacked jurisdiction over his sentence, I denied defendant Robert D. Sutton's motion to modify the restitution order imposed upon him at sentencing. Now before the court is defendant's "motion for clarification" of the December 15 order, in which he asks again for the court to modify his restitution order and establish a detailed repayment schedule for his outstanding balance.

As I explained at length in the December 15 order, federal courts do not retain indefinitely the authority to modify the judgments they enter. In the absence of law authorizing the court to revisit the judgment order, the original order cannot be changed. Plaintiff contends that Fed. R. Crim. P. 36 provides the court with jurisdiction to amend his restitution order. He is mistaken.

Rule 36 governs correction of clerical errors. Here, plaintiff is challenging the substance, not the form, of his restitution order; therefore, Rule 36 does not apply. Although plaintiff may disagree with the way in which his restitution order was entered, it was recorded accurately. Therefore, his motion must be denied.

ORDER

IT IS ORDERED that defendant Robert D. Sutton's motion for reconsideration of the court's December 15, 2005 order is DENIED.

Entered this 13th day of February, 2006.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge